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4 IN THE UNITED STATES DISTRICT COURT
5 FOR THE EASTERN DISTRICT OF CALIFORNIA
6

7 JOHN HARDNEY,

8 Plaintiff,

9 vs.

10 ANTHONY LAMARQUE, et al.,

11 Defendants.

No. 2:04-CV-0476-RRB-KJM P

ORDER

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13 Plaintiff John Hardney ("Plaintiff"), a state prisoner
14 proceeding pro se, has filed this civil rights action seeking
15 relief under 42 U.S.C. § 1983. The matter was referred to a United
16 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and
17 Local General Order No. 262.

18 On August 2, 2007, Magistrate Judge Kimberly J. Mueller
19 filed Findings & Recommendations (Docket 28) herein, which were
20 served on all parties and which contained notice to all parties
21 that any objections to the same were to be filed within twenty
22 days. The time period has now expired and neither party has filed
23 objections to the Findings & Recommendations.

1 The Court has reviewed the file and finds the Findings &
2 Recommendations at Docket 28 to be supported by the record and by
3 proper analysis.

4 Accordingly, **IT IS HEREBY ORDERED** that:

5 1. The Findings & Recommendations at **Docket 28**, filed
6 on August 2, 2007, are adopted in full; and

7 2. Defendants' Motion to Dismiss at **Docket 25** is
8 **DENIED.**

9 **ENTERED** this 2nd day of October, 2007.

10 S/RALPH R. BEISTLINE
11 UNITED STATES DISTRICT JUDGE
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